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CIVIL AVIATION DEPARTMENT

Ministry of Tourism and Civil Aviation

Male'

Republic of Maldives

AIR SAFETY CIRCULAR

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DRUG TESTING PROGRAMME

STANDARDS AND COMPONENTS OF ANTI-DRUG PROGRAMME

1. The purpose of this Air Safety Circular is to establish a programme designed to help prevent accidents and injuries resulting from the use of prohibited drugs by crew members and employees who perform safety-sensitive functions in aviation.
2. Each Operator shall ensure that a Drug Testing Programme is established and conducted pursuant to this Air Safety Circular.
3. Each Operator shall notify CAD within 48 hours of any employee who performs safety-sensitive functions in aviation, who has either refused to submit to a drug test required under this Air Safety Circular or who has shown a verified positive drug test result.
4. In this Air Safety Circular:
 - 4.1 Operator means Air Operator Certificate holders, Approved Organisations, Certified Aerodrome Operators and Air Navigation Service Providers.
 - 4.2 Safety-sensitive function means a function listed below.
 - (a) Flight crewmember duties.
 - (b) Flight attendant duties.
 - (c) Flight instruction duties.
 - (d) Aircraft dispatcher duties.
 - (e) Aircraft maintenance and preventive maintenance duties.
 - (f) Ground security coordinator duties.
 - (g) Aviation screening duties.
 - (h) Air traffic control duties.
 - (i) Drivers involved in airside/maintenance areas

PRE-EMPLOYMENT TESTING

5. No operator may hire any person for safety-sensitive functions (which includes but not limited to; crew members, Air Traffic Controllers, engineers and mechanics) unless the operator first conducts a pre-employment test and receives a verified negative drug test result for that individual.
6. No operator may allow an individual to transfer from a non-safety-sensitive to a safety-sensitive function unless the employer first conducts a pre-employment test and receives a verified negative drug test result for the individual.
7. Operators must conduct another pre-employment test and receive a verified negative drug test result before hiring or transferring an individual into a safety-sensitive function if more than 180 days elapse between conducting the pre-employment test required by this Air Safety Circular and hiring or transferring the individual into a safety-sensitive function.
 - (a) The operator removed the individual from the operator's random testing program conducted under this Air Safety Circular for reasons other than a verified positive test result or a refusal to submit to such testing; and
 - (b) The individual will be returning to the performance of a safety-sensitive function.
8. If the following criteria are met, an operator is permitted to conduct a pre-employment test, and if such a test is conducted, the operator must receive a negative test result before putting the individual into a safety-sensitive function:
9. Before hiring or transferring an individual to a safety-sensitive function, the operator must advise each individual that the individual will be required to undergo pre-employment testing in accordance with this Air Safety Circular, to determine the presence of prohibited drugs in the Maldives. The operator shall provide this same notification to each individual required by the operator to undergo pre-employment testing.

RANDOM TESTING

10. Except as provided above, the minimum annual percentage rate for random drug testing shall be 25 percent of all employees performing safety-sensitive functions.
11. The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random-number table or a computer-based random number generator, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
12. All operators must select and test a percentage of employees at least equal to the minimum annual percentage rate each year.
 - (a) To determine whether operators have met the minimum annual percentage rate, all operators must divide the number of random testing results for safety-sensitive employees by the average number of safety-sensitive employees eligible for random testing.
 - (b) To calculate whether operators have met the annual minimum percentage rate, the operator must count all random positives, random negatives, and random refusals as your "random testing results."

(c) To calculate the average number of safety-sensitive employees eligible for random testing throughout the year, add the total number of safety-sensitive employees eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Only safety-sensitive employees are to be in an operator's random testing pool, and all safety-sensitive employees must be in the random pool. Operator's conducting random testing more often than once per month such operators do not need to compute this total number of safety-sensitive employees more than on a once per month basis.

13. Operators may use a service agent to perform random selections, and the safety-sensitive employees may be part of a larger random testing pool of safety-sensitive employees. However, the operator must ensure that the service agent used is testing at the appropriate percentage established and that only safety-sensitive employees are in the random testing pool.
14. Each operator shall ensure that random drug tests conducted under this Air Safety Circular are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.
15. Each operator shall ensure that each safety-sensitive employee who has shown a verified positive drug test result ceases to perform the safety-sensitive functions immediately.

TESTING BASED ON REASONABLE CAUSE

16. Each operator must test each employee who performs a safety-sensitive function and who is reasonably suspected of having used a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific contemporaneous physical, behavioral, or performance indicators of probable drug use. At least two of the employee's supervisors must substantiate and concur in the decision to test an employee who is reasonably suspected of drug use.

POST-ACCIDENT TESTING

17. Each Operator shall test each employee who performs a safety-sensitive function for the presence of prohibited drugs in the employee's system if that employee's performance either contributed to an accident or can not be completely discounted as a contributing factor to the accident. The employee shall be tested as soon as possible but not later than 32 hours after the accident. The decision not to administer a test under this Air Safety Circular must be based on a determination, using the best information available at the time of the determination that the employee's performance could not have contributed to the accident. The employee shall submit to post-accident testing under this regulation.

RETURN TO DUTY TESTING

18. Each Operator shall ensure that before an individual is returned to duty to perform a safety-sensitive function after refusing to submit to a drug test required by this Air Safety Circular or receiving a verified positive drug test result on a test conducted under this Air Safety Circular the individual shall undergo a return to duty drug test. No employer shall allow an individual required to undergo return to duty testing to perform a safety-sensitive function unless the employer has received a verified negative drug test result for the individual. The test cannot occur until after the Operator has determined that the employee has successfully complied with the prescribed education and/or treatment.

FOLLOW-UP TESTING

19. Each employer shall implement a reasonable program of unannounced testing of each individual who has been hired to perform or who has been returned to the performance of a safety-sensitive function after refusing to submit to a drug test required by this Air Safety Circular or receiving a verified positive drug test result on a test conducted under this Air Safety Circular.
20. The number and frequency of such testing shall be determined by the Operator, but shall consist of at least six tests in the first 12 months following the employee's return to duty.
21. Follow-up testing shall not exceed 60 months after the date the individual begins to perform or returns to the performance of a safety-sensitive function. The Operator may terminate the requirement for follow-up testing at any time after the first six tests have been conducted, if the Operator determines that such testing is no longer necessary.

PERMANENT DISQUALIFICATION FROM SERVICE

22. A person who has verified positive drug test results on two drug tests required by this Air Safety Circular is permanently precluded from performing safety sensitive duties for any Operator.

RETENTION OF RECORDS

23. Records concerning drug tests confirmed positive shall be maintained by the operator for 5 years. Such records include the medical interviews and any other documentation concerning the operator's verification process.
24. Records concerning all other drug tests performed under Air Safety Circular shall be maintained by the operator for 2 years.

RELEASE OF DRUG TESTING INFORMATION

25. An Operator shall not release information regarding an employee's drug testing results, evaluation, or rehabilitation to a third party, except as required by law and this Air Safety Circular.

ACCESS TO RECORDS

26. Each Operator shall permit Authorised Persons pursuant to Civil Aviation Regulations Part 3.3, to examine records required to be kept under this regulation.

CANCELLATION

27. This Air Safety Circular cancels Issue 1 of ASC GEN-05 dated 26 December 2006, which should be destroyed.



Mahmood Raze

EXECUTIVE DIRECTOR